



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 21 2005

SUBJECT: Request for Authorization for a CERCLA Removal Action at the Hasbrouck Plastics Site, Lakeview, Erie County, New York

ACTION MEMORANDUM

FROM: Kimberly Staiger, On-Scene Coordinator
Response and Prevention Branch

TO: George Pavlou, Director
Emergency and Remedial Response Division

THRU: Bruce Sprague, Chief
Response and Prevention Branch

Site ID No.: XA

I. PURPOSE

The purpose of this Action Memorandum is to request authorization to conduct the time-critical removal action described herein at the Hasbrouck Plastics Site, located at 1975 Lakeview Road, Lakeview, Erie County, New York (the Site).

In June 2005, the U.S. Environmental Protection Agency (EPA) received a request from the New York State Department of Environmental Conservation (NYSDEC) to perform a removal action at the Hasbrouck Plastics Site under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 U.S.C. §9601 et seq. The Site consists of an abandoned fiberglass-reinforced plastics manufacturing facility located in Lakeview, New York.

On June 28, 2005, EPA conducted a removal assessment and determined that the Site met the criteria for the performance of a removal action. This Action Memorandum, if approved, will authorize a total project ceiling of \$192,000. This funding is necessary to provide for sampling, analysis, building decontamination and disposal of all hazardous substances present on site.

This Site is not on the National Priorities List (NPL) and there are no nationally significant or precedent-setting issues associated with this removal action.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Background

The facility, located at 1975 Lakeview Road in Lakeview, Erie County, New York, was used from 1957 to December 2004 to design and manufacture fiberglass-reinforced polyester, vinyl ester, and furan items such as processing tanks, piping, ventilation and pollution-control equipment, and duct work. In December 2004, Hasbrouck Plastics ceased operations and abandoned the Site, leaving behind several drums containing caustics and flammables in addition to numerous small containers. The property is currently owned by Hasbrouck Plastics, Inc., which is no longer operating at the Site. The former president of the company has not agreed to take any action to clean up the Site or to remove the chemicals and the hazards posed by them.

2. Physical Location

The Site is located at 1975 Lakeview Road in Lakeview, Erie County, New York, and is situated in a commercial/residential area. The Site property consists of a process building, a warehouse, an office building, and several sheds that were used to store equipment and chemicals. The Site property is bordered by a tavern, a railroad track, a residential property, a fire department, and a playground with a ball park.

3. Site Characteristic

Several buildings are on the Site property. The main processing building is a concrete block building that appears structurally sound with holes in the roof and some broken windows that have been boarded up by the Township. A secondary processing facility located at the rear of the property consists of a corrugated steel building with several holes in the roofing material. Six separate sheds are located on the property that formerly housed chemicals used in the facility operations. Several smaller containers and drums in deteriorating condition were noted within some of the sheds.

The interior condition of the buildings is cluttered and spilled materials are evident on the floors and walls. The roof of the main processing building has holes in several areas exposing the interior of the facility and the spilled materials to rain and snow. Flammable materials are stored haphazardly throughout the facility, and some have been leaking. Drums are stored in areas that rainwater has impacted and their integrity is suspect.

The area within one mile of the Site can be characterized as residential with light commercial use. A 2000 Census statistics report indicates that the population within a half mile of the Site is 833 persons in 211 households comprised of 98.7% white, 0.3% African American, 1%

group of 18 through 65 years. The median household income is \$63,114.

4. Removal Site Evaluation

On June 15, 2005, the NYSDEC Spill Response Unit conducted an inspection at the facility and discovered approximately 50 drums and containers of various liquid and solid wastes in various stages of decay.

On June 23, 2005, a second inspection of the facility was conducted by NYSDEC. During this inspection, NYSDEC accessed the interior of the buildings. Several drums labeled organic peroxides were found within the sheds; however, no such wastes were found in the processing buildings.

The EPA conducted a preliminary assessment with the United States Coast Guard (USCG) Atlantic Strike Team (AST) on June 28, 2005. Approximately 40 drums with contents were found on the Site as well as many small containers. Many of the drums were inaccessible due to the manner in which they were stored. Sampling and field characterization testing of six drums confirmed the presence of methyl ethyl ketone peroxide, acetone, isopropyl alcohol and caustics. The containers themselves are in varying stages of deterioration and several drums are located outdoors, exposed to further weathering and decay by the elements. Evidence of staining on the soil near the stacked drums was noted during the preliminary assessment.

The property itself is secured with fencing, however, the fence has been breached along the playground border.

5. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The following hazardous substances have been identified at the Site:

<u>Substances Identified</u>	<u>Statutory Source for Designation as a Hazardous Substance</u>
Acetone	Resource Conservation and Recovery Act (RCRA) § 3001
Methyl ethyl ketone peroxide	RCRA § 3001

These hazardous substances are acutely and chronically toxic, corrosive and/or flammable. The potential health effects from these compounds are identified below:

Potential Health and Toxicological Effects

Chemical	Irritant	Kidney/ Liver Damage	Dermal/Eye Effects	Respiratory Effects	CNS Damage
Acetone	x		x	x	x
Methylethyl ketone peroxide	x	x	x	x	

The pathways for release of these materials into the environment include potential airborne release and the potential for migration of contamination into the surface water and ground water. Numerous events could trigger releases, but the chief concerns are fire and runoff of contaminated rainwater. In addition to the substances listed above, caustics and isopropyl alcohol were also present at the Site.

All hazardous wastes will be disposed of under the authority of RCRA.

6. NPL Status

At the present time, the Site is not on the National Priorities List (NPL), nor is it expected to be listed on the NPL.

B. Other Actions to Date

1. Previous Actions

The Site was referred to EPA by NYSDEC on June 17, 2005. There were no previous actions by EPA at the Site.

2. Current Actions

On June 23, 2005, EPA met with and obtained written access to the property from the former president of Hasbrouck, the current owner. The access includes taking of samples and other actions related to the investigation and removal of contamination, and other response actions including the disposal of hazardous substances and other materials found on site. During the June 28, 2005 removal site evaluation visit, the former president of Hasbrouck was present to provide access to the Site and indicated verbally that he did not object to EPA's access and proposed work.

As discussed above, EPA conducted a removal site evaluation and then determined that the Site met the criteria for a CERCLA removal action.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

The Site was referred to EPA by NYSDEC on June 17, 2005.

2. Potential for Continued State/Local Response

Neither NYSDEC nor the local government has the resources available to conduct a removal action at the Site. These organizations will act in a supporting role throughout the removal action.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats to Public Health or Welfare

Hazardous substances, pollutants or contaminants present at the Site represent a threat to the public health and welfare as indicated by the presence of factors listed in Section 300.415(b)(2) of the National Contingency Plan (NCP), 40 C.F.R. §300.415(b)(2), in that there is a high potential for releases to occur due to conditions related to poor housekeeping of the facility. Factors that supported conducting the removal action at this Site include:

- (i) Actual or potential exposures to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;
- (ii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release;
- (iii) threat of fire or explosion; and
- (iv) the lack of availability of other appropriate federal or state response mechanisms to respond to the release.

Many of the materials on the Site are toxic and/or corrosive and present a risk of direct human contact. The Site is situated immediately adjacent to a playground with a ballpark, and there is evidence of trespass and vandalism. Direct human contact with the materials present at the Site, from either a chemical release, fire or vandalism, presents an immediate threat to trespassers or vandals, emergency responders, and the occupants of nearby homes and businesses. Since the Site is not secure or monitored regularly, the threat of future uncontrolled releases is great. If such a release occurred, the toxic fumes created by the uncontrolled reaction of these materials would severely impact the surrounding population, possibly necessitating evacuation and the closure of roads and arterials.

B. Threats to the Environment

Actual or threatened releases of hazardous substances from the Site, if not addressed by the response action in this Action Memorandum, may present an imminent and substantial endangerment to public health and welfare and the environment.

IV. ENDANGERMENT DETERMINATION

Actual or potential releases of hazardous substances at or from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health and welfare.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The objective of the removal action is to eliminate the threat of exposure through direct human contact caused by a release of the hazardous material spilled at the Site. Upon approval, EPA will mobilize the Emergency and Rapid Response Services contractor to the Site and will be completing the following:

- i. Inventorying and documenting all drums and other containers of hazardous materials;
- ii. Stabilization and securing of drums and other containers of hazardous materials;
- iii. Segregation and over packing of materials as necessary;
- iv. Sampling and analysis of drums and other containers for determination of waste characteristics for subsequent waste consolidation and final disposal;
- v. Preparation of waste streams for shipment;
- vi. Removal of contaminated debris from the facility;
- vii. Sample soil and remove any surficial contaminated soil; and,
- viii. Transportation and disposal of wastes in accordance with EPA's CERCLA Off-Site Disposal Rule.

The selected mode of transportation and method of disposal will be based on the analytical data.

2. **Contribution to Remedial Performance**

This action will contribute effectively to any long term remedial action with respect to the release or threatened release of hazardous substances and is consistent with any future long-term remedial action that may be undertaken at the Site.

3. **Description of Alternative Technologies**

Alternative technologies will be considered, so long as they prove to be cost effective, efficient and consistent with the NCP.

4. **Engineering Evaluation/Cost Analysis (EE/CA)**

Due to the time-critical nature of this removal action, an EE/CA will not be prepared.

5. **Applicable or Relevant and Appropriate Requirements (ARARs)**

ARARs within the scope of the project, including CERCLA, RCRA and Department of Transportation regulations that pertain to the transportation and disposal of contaminated materials, including hazardous substances and hazardous wastes, will be complied with to the fullest extent practicable.

6. **Project Schedule**

The removal action will be initiated shortly after approval of this Action Memorandum. Stabilization, over packing, materials transferring, staging, segregating and sampling will commence in September 2005, with final disposal to occur shortly thereafter.

B. Estimated Costs

The estimated costs for the completion of this project are summarized below:

Extramural Costs:

<u>Regional Allowance Costs:</u> (Total cleanup contractor costs, including labor, equipment, materials and laboratory disposal analysis)	\$140,000
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<u>Other Extramural Costs not Funded From the Regional Allowance:</u>	\$ 20,000
Total RST, including multiplier costs	

Subtotal, extramural costs	\$160,000
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Extramural Costs Contingency (20%)	\$ 32,000
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TOTAL EXTRAMURAL COSTS	\$192,000
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<u>TOTAL REMOVAL PROJECT CEILING</u>	\$192,000
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**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED
OR NOT TAKEN**

Delayed action or no action could result in the release of the hazardous substance into the environment, thereby exposing the nearby residents and surrounding commercial businesses to hazardous substances on the Site.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Efforts will be made to identify the Site owner(s) and other potentially responsible parties (PRPs) to assume responsibility for the cost of the cleanup. The On-Scene Coordinator will work with the Removal Action Branch (RAB), the Office of Regional Counsel and NYSDEC in an attempt to locate all viable PRPs to recover cleanup costs. 104(e) information requests will be sent to determine PRP status and viability, and notice letters will be prepared for viable parties determined to have liability, to ascertain their willingness to participate in the costs of cleanup.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$272,000, as follows:

EPA's Total Estimated Project Costs

(Direct Extramural and Intramural Costs)	
(\$192,000 + \$20,000 (EPA Costs for Site)	\$212,000
(30.30% Region Specific Indirect Cost Rate x \$212,000)	\$ 82,400

Estimated EPA Costs for Removal Action	\$294,400
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Note: Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will effect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents a request for authorization for the selected removal action at Hasbrouck Plastics Site, Lakeview, Erie County, New York in accordance with CERCLA as amended and consistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action.

This Action Memorandum, if approved, will authorize a total project ceiling of \$192,000. These estimated cost for this project is within the FY-05 Regional Advice of Allowance for mitigation contracting.

Please indicate your approval of the authorization of funding for the Hasbrouck Plastics Site, as per the current Regional redelegation of authority, by signing below.

Approved: _____

George Pavlou
George Pavlou, Director
Emergency and Remedial Response Division

Date: 9-21-05

Disapproved: _____

George Pavlou, Director
Emergency and Remedial Response Division

Date: _____

W. McCabe, 2ERRD
B. Sprague, 2ERRD-RPB
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J. Daloia, 2ERRD-RPB-ERT
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